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Elimination of racism and racial discrimination: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Secretary-General*

* The present report is submitted after the deadline in order to reflect the information received most recently.

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Contents

I. Introduction

II. Contributions received

Member States

III. Update on activities

A. United Nations human rights mechanisms and treaty bodies

B. Activities of the Office of the United Nations High Commissioner for Human Rights

IV. Conclusions

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 62/220. The Assembly recognized in paragraph 6 of that resolution that "racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth or other status". In paragraph 8 the Assembly emphasized that "it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law".

2. In this regard, in paragraph 9 the Assembly urged "all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments". It was within that context that, in paragraph 53, the Assembly requested the Secretary-General to submit a report on the implementation of the resolution to the General Assembly at its sixty-third session.

3. The present report is preceded by the report of the Secretary-General (A/62/480) submitted in accordance with General Assembly resolution 61/149 on global efforts undertaken during the period from August 2006 to July 2007 on the implementation of the resolution and the follow-up to the Durban Declaration and Programme of Action adopted by the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

4. The present report summarizes information received on activities undertaken. In preparing the report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent notes verbales to Member States, United Nations bodies, regional organizations, national human rights institutions and non-governmental organizations requesting information on the implementation of General Assembly resolution 62/220, to be received by 30 June 2008.

5. Following the request for contributions, OHCHR received contributions from 13 Member States, namely Bosnia and Herzegovina, Croatia, the Islamic Republic of Iran, Jamaica, Japan, Georgia, Lebanon, Mexico, Romania, Slovakia, Spain, Switzerland and Tunisia. Contributions were not received from United Nations bodies, regional organizations, national human rights institutions or non-governmental organizations. The information received by the Member States is summarized in the present report. The original text of the contributions is available for consultation with the Secretariat.

II. Contributions received

Member States

Bosnia and Herzegovina

6. Bosnia and Herzegovina informed that its Constitution provides expressly for the prohibition of racial discrimination. Bosnia and Herzegovina has committed itself to the principle of respect for human rights and fundamental freedoms, and the European Convention on Human Rights forms an integral part of its Constitution and is directly applicable to its legal system. The European Convention on Human Rights guarantees in its article 14 that "the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status". According to Bosnia and Herzegovina, all persons on its territory enjoy the human rights and freedoms provided for under the European Convention on Human Rights. In carrying out its policy towards the elimination of racial discrimination, Bosnia and Herzegovina undertakes action at the legislative, judicial and administrative levels.

7. As a party to the International Convention on the Elimination of all Forms of Racial Discrimination, Bosnia and Herzegovina submitted its report to the Committee on the Elimination of Racial Discrimination in 2005 (see CERD/464/Add.1). Following its examination of the report, the Committee submitted detailed recommendations to Bosnia and Herzegovina in its concluding remarks to which the latter intended to respond in its second periodic report on the implementation of the Convention. The second periodic report of Bosnia and Herzegovina was received by OHCHR on 25 August 2008.

Croatia

8. Croatia informed that its Constitution prohibits discrimination based on race, skin colour, sex, language, religion, faith, political or other belief, national or social origin, property, birth, education, social status or other characteristics. Freedoms and rights may be restricted only by law to protect the freedoms and rights of other individuals and the legal order, public morals and health. Any restriction of freedom or rights must correspond to the nature of the need for such restriction in each individual case.

9. Croatia also reported that article 39 of its Constitution stipulates that any incitement to war or resort to violence, national, racial or religious hatred or any form of intolerance is prohibited and subject to criminal sanctions. Equality is guaranteed by other articles of the Constitution as well (articles 15, 16, 23, 33, 44-47).

10. According to Croatia, discrimination is prohibited by the Criminal Act, and the sanctioning of discrimination by means of criminal legislation has undergone a series of significant changes. In this regard, article 174 of the Criminal Code has been amended on several occasions (2003, 2004, 2005 and 2006). The legal description of the crime has been expanded considerably. The discriminatory grounds have been expanded to include religion, language, political or other conviction, property, birth, education, social status, sexual orientation or other

characteristics. Article 174 further provides for imprisonment for a minimum term of six months to a maximum of five years for violations.

11. Croatia also asserted that the Labour Act prohibits discrimination in employment. The Gender Equality Act establishes the general foundation for the protection and promotion of gender equality; the Same-sex Union Act prohibits any form of discrimination, direct or indirect, on the basis of sexual orientation; and incitement to discrimination is deemed discrimination as well. The Constitutional Act on the Rights of National Minorities prohibits any form of discrimination based on persons belonging to a national minority.

Georgia

12. Georgia informed that article 14 of its Constitution provides that every person within the territory of Georgia is equal before the law regardless of race, colour, language, sex, religion, political and other opinion, national, ethnical or social origin, etc. All persons, regardless of race, nationality or ethnicity, may enjoy rights and legal guarantees on an equal basis without discrimination.

13. Article 142 of the Criminal Code of Georgia criminalizes racial discrimination as an act committed with the intention of inciting national or racial hatred or conflict, humiliating national dignity, directly or indirectly restricting human rights or granting advantages on grounds of race, skin colour, social status or national or ethnic affiliation. Deprivation of liberty for a term not exceeding three years is determined as a sanction. The same act, committed with the use of violence that endangers life or health, or with the threat of such violence, or through abuse of one's official position, shall be punishable by deprivation of liberty for a term from two to five years. The same criminal act committed by a group or that resulted in human loss or any grave consequence shall be punished by the deprivation of liberty from four to seven years. The Code further criminalizes persecution on the basis of opinion, religion or belief, or for political, religious, professional or scientific activities (article 156). Intolerance based on race, religion, nationality and ethnicity is regarded as aggravating circumstances with regard to criminal conduct.

14. Georgia reported that its Government adopted on 26 September 2007 the 2007-2009 action plan on measures for the implementation of gender equality policy. Georgia acceded to the International Convention on the Elimination of all Forms of Racial Discrimination on 16 April 1999, and recognizes the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of violation by Georgia of any of the rights set out in the above-mentioned Convention

Islamic Republic of Iran

15. The Islamic Republic of Iran informed that the most serious manifestation of setback in the campaign against racism has been the resurgence of racist and xenophobic violence targeting ethnic, cultural and religious communities. According to the Islamic Republic of Iran, the emergence of new forms of discrimination also constitutes a negative impact in combating terrorism and the marginalization of the Durban Declaration and Programme of Action.

16. Because of the importance the Government of the Islamic Republic of Iran attaches to combating racism and racial discrimination, it hosted from 19 to 21 February 2001, the Asian preparatory meeting for the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Regarding the upcoming Durban Review Conference, it asserted that as a Bureau member of the Preparatory Committee, it has been playing an active role in the preparatory process.

17. Regarding Iranian society, the Government informed that article 19 of the Constitution specifies that the people of the Islamic Republic of Iran, regardless of tribal or ethnic origin, enjoy equal rights; and colour, race and language do not constitute a privilege. Through its policies and actions, the Government seeks to ensure that these principles are realized. Consistent with its effort to promote and protect human rights, the Government has adopted various measures, which include, inter alia, in the performance of their duties, judicial officials are to refrain from using sarcastic, offensive words or phrases that might result in offending the feelings and emotions of listeners.

18. A document on the elimination of poverty was adopted with the aim to alleviate the impoverished situation of vulnerable groups such as the elderly, women, the handicapped and homeless children. Measures aimed at improving the living standards and the advancement of ethnic groups, particularly in the field of education, have also been put into place. The Government informed that access to education is based on the principles of equality. Under existing laws, all students, irrespective of race, language, ethnicity and nationality; are entitled to access to the educational facilities in the country.

Jamaica

19. Jamaica informed that its background of racial tolerance is based on the composition of its population issued from various ethnic backgrounds. This is underscored by the national motto "Out of many one people". According to the Government, racism and racial discrimination do not manifest themselves as overtly in Jamaica as they do in other countries. In general, the most significant contemporary manifestation of racism lies in the economic relationships and uneven distribution of wealth. The absence of overt racism and racial discrimination in Jamaica, therefore, explains the fact that there are no formal structures or mechanisms specifically established for their elimination.

20. In terms of general legal provisions, the Constitution of Jamaica provides, in chapter III, for the granting and protection of fundamental rights and freedoms to every person in Jamaica, irrespective of race, place of origin, political opinions, colour, creed or sex, subject only to the rights and freedoms of others and the public interest. The fundamental rights include the rights to life, liberty, security of the person, enjoyment of property and protection of the law; freedom of conscience, of expression and of peaceful assembly and association; and respect for private and family life. Section 24 of the Constitution protects against discrimination on various grounds. It provides that no person shall be treated in a discriminatory manner by any person acting by virtue of written law or in the performance of any functions of any public office or public authority.

21. Jamaica specifies that the rights and freedoms granted under the Constitution, including freedom of expression, are guaranteed and protected subject to respect for

the rights and freedoms of others and of the public interest. It should be noted, therefore, that the programme content of local radio and television stations is monitored by the Broadcasting Commission of Jamaica. The Jamaican authorities have not detected the emergence of movements based on racism and discriminatory ideas concerning anti-Semitism, anti-Arabism and Islamophobia. The Government also informed that it is a party to the International Convention on the Elimination of all Forms of Racial Discrimination and efforts are being made to ensure the timely submission of periodic reports to the Committee and the consideration of the recommendations of the Committee.

22. Regarding the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, Jamaica remains committed to working towards their full implementation, and will continue to assess the progress being made at the national level in preparation for the 2009 Durban Review Conference. Jamaica recently participated in the regional preparatory conference for Latin America and the Caribbean for the Durban Review Conference held in Brasilia from 17 to 19 June 2008.

23. In fulfilment of the implementation of the Durban Declaration and Programme of Action, Jamaica and other countries of the Caribbean Community (CARICOM) spearheaded the initiative for the adoption by the General Assembly of resolution 61/19 and resolution 62/122, in which the Assembly designated 25 March as an annual International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, and invited interested parties to contribute to the voluntary fund for the erection of a permanent memorial at the United Nations in acknowledgement of the tragedy and in consideration of the legacy of slavery and the transatlantic slave trade. Both resolutions were in keeping with paragraphs 101 and 102 of the Durban Declaration, aimed at countering the legacy of slavery and contributing to the restoration of the dignity of the victims of slavery and the slave trade. At the national level, the Jamaica National Bicentenary Committee was established to mark the two hundredth anniversary of the abolition of the transatlantic slave trade.

Japan

24. The Government of Japan informed that it acceded to the International Convention on the Elimination of all Forms of Racial Discrimination in 1995. Japan has expressed its intention to combat all forms of racism, racial discrimination, xenophobia and related intolerance in accordance with the Convention. Article 14 of the Constitution of Japan stipulates that all people are equal under the law. Japan informed that it is also a party to both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, which also prohibit discrimination on various grounds. On the basis of its obligation under its Constitution and the Covenants, Japan has been striving to realize a society without any form of racial or ethnic discrimination. Japan will continue to make efforts to achieve a society in which each person is respected as an individual and can fully develop his or her own personality.

25. The Government also informed that the dissemination and expression of racially discriminatory thought that damages the honour or credit of an individual or a group are criminalized under the Penal Code. Violent acts motivated by or with intent to cause racial discrimination are also criminalized under the Penal Code.

Lebanon

26. Lebanon informed that its Constitution includes guarantees of non-discrimination and equality for all. Lebanon is one the founding members of the United Nations. As such, it is committed to the United Nations principles as contained in the declarations and conventions on human rights and which are reflected in Lebanon in all aspects of life.

27. Lebanon reported that its Penal Code does not criminalize racism, racial discrimination, xenophobia and related intolerance, as no specific definition is provided thereunder. However, action at law by victims of racism and discrimination is acceptable on the basis of the Constitution and legislations. Racism as defined under the International Convention on the Elimination of all Forms of Racial Discrimination is not manifest in Lebanon on a significant scale. Lebanon also reported that problems in Lebanon connected to migrant workers serving as domestic help should not be associated with racism, racial discrimination and xenophobia.

Mexico

28. The Government of Mexico informed that it has adopted very important pieces of legislation and administrative measures to combat racism. Regarding legislative measures, on 14 August 2001, article 1 of the Constitution was modified through the inclusion of a paragraph that prohibits discrimination on various grounds, including of religion, national or ethnic origin, gender, age, disability, health, social class, opinion and marital status. In 2003 the Federal Law on the Prevention and Elimination of Discrimination was adopted. According to its article 4, discrimination is defined as: any distinction, exclusion or restriction that is based on various grounds and includes any manifestation of xenophobia or anti-Semitism.

29. The Government also informed that with a view to implementing the law, the National Council to Prevent Discrimination was created. The mandate of the Council is to coordinate anti-discrimination policies of the federal Government. The Council has created various national anti-discrimination programmes and supports legislative changes favouring victims of discrimination. It is currently developing an anti-discrimination programme to cover the period 2008-2013. In addition, the General Law on Population was modified in 2008, in order to decriminalize undocumented migrants and to prohibit the establishment of preventive detention centres.

30. Referring to the implementation and follow-up to the Durban Declaration and Programme of Action, the Government stresses the mandate of the National Commission on Human Rights to receive complaints from victims of human rights violations. Moreover, the Government of Mexico made reference to its active participation in the work of the Preparatory Committee for the Durban Review Conference. In this regard, it took part in the regional preparatory conference for Latin America and the Caribbean.

Romania

31. The Government of Romania informed that its Constitution as revised in 2003 provides equality among citizens, without any discrimination based on race, nationality, ethnic origin, language, religion, sex, opinion, political adherence,

property or social origin. According to article 20, the Constitution or national laws will take precedence over international regulations in the field of human rights when they comprise more favourable provisions.

32. According to Romania, the governmental ordinance on the prevention and sanctioning of all forms of discrimination (137/2000) represents the landmark piece of legislation in the field of anti-discrimination. It offers a comprehensive definition of the concept of "discrimination" as any distinction, exclusion, restriction or preference based on race, nationality, ethnic origin, language, religion, social origin, beliefs, sex, sexual orientation, age, disability, chronic non-infectious disease, HIV infection, appurtenance to a disadvantaged category or any other criteria that has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field or public life.

33. Romania asserted that it became party to the International Convention on the Elimination of all Forms of Racial Discrimination in 1970. In 2002 Romania submitted a declaration, in accordance with article 14 (1) of the Convention, recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider complaints from persons within its jurisdiction claiming to be victims of violations of any of the rights set out in the Convention. Romania asserted that it has made considerable efforts to implement the Convention and to translate into practice the Durban Declaration and Programme of Action. These efforts materialized, on the one hand, in the adoption of a comprehensive and coherent legislative framework, and, on the other hand, in the establishment of several institutions with competencies in combating racism, racial discrimination, xenophobia and any other forms of intolerance.

34. Romania informed that a series of strategic and public policies have been developed and implemented in order to promote diversity and equal opportunities, and to prevent and combat all forms of discrimination, poverty and marginalization. These strategies contain specific measures, including positive actions, for disadvantaged or vulnerable groups. Victims of discrimination can resort, for legal protection and remedy, to a vast network of judicial, quasi-judicial and other institutions. Every person is entitled to bring cases before the courts, in the defence of his or her legitimate rights, liberties and interests. Any person can also file complaints with the National Council for Combating Discrimination or with the Ombudsman.

35. In Romania, the most frequent forms of racial discrimination are discriminatory manifestations on grounds of ethnicity, targeting mainly the Roma minority, as well as discriminatory attitudes in sport, especially during football matches.

36. Romania also informed that article 30 of the Constitution provides for freedom of expression but that freedom of expression, may be subject to certain limitations, regarding, in particular, the prohibition of incitement to racial hatred. Under the Penal Code, "incitement to discrimination" (any incitement to hatred on the grounds of race, nationality, ethnic origin, language, religion, gender, sexual orientation, opinion, political membership, beliefs, possessions, social origin, age, disability, chronic non-infectious disease or HIV infection) is punishable by a term of imprisonment of between six months and three years or by fine.

Slovakia

37. Slovakia informed that, under its Constitution, all people are free and equal in dignity and rights. Fundamental rights and freedom are guaranteed in Slovakia to all individuals, irrespective of status. Slovakia is fully committed to the fight against racism, racial discrimination, xenophobia and related intolerance.

38. Slovakia reported that it was among the States that actively participated in the negotiations at the 2001 Durban World Conference. Since the Conference, Slovakia has focused its efforts on the full implementation of the agreed recommendations of the Durban Programme of Action. Slovakia asserted that seven years after its adoption, the Durban Review Conference should concentrate on reviewing the implementation of the Programme of Action, sharing good practices and identifying major challenges.

39. Slovakia further informed that that since its entry into the European Union on 1 May 2004, the Government has incorporated the human rights principles of the European Union, including the prohibition of discrimination and the elimination of all forms of intolerance, through harmonization with its national laws and the implementation of programmes and other mainstreaming activities of the European Union.

40. According to Slovakia, the rise in particular forms of discrimination is extremely worrying. However, in the context of the Durban Declaration and Programme of Action, the international community has found a universal and broadly consensual strategy to combat racism, racial discrimination, xenophobia and related intolerance, which should not be undermined. Slovakia added that although racism, racial discrimination, xenophobia and other forms of intolerance are still present in its society, it is witnessing a considerable shift in terms of becoming increasingly sensitive to such issues and the need to eliminate them.

41. Slovakia referred to its action plan for prevention of all forms of discrimination, racism, xenophobia and intolerance, which represents the fundamental instrument of the Government of Slovakia in the area of prevention and elimination of racism, discrimination, xenophobia and other forms of intolerance. The objective of the action plan is to implement both domestic and international obligations in order to build a tolerant and democratic State.

Spain

42. The Government of Spain submitted information on the activities it has undertaken to implement the Durban Programme of Action. Regarding legislative measures in particular, Spain informed that European Directive 2000/43/EC, entitled "Implementing the principle of equal treatment between persons irrespective of racial or ethnic origin", has been incorporated at the national level through national law 62/2003 of 30 December 2003.

43. With reference to the establishment and consolidation of specialized and independent national institutions and mediation procedures, Spain noted in its report that in 2007, the Government established the Council for the Promotion of Equal Treatment and Non-discrimination, with the mandate as secretariat of the Council to assist victims of direct discrimination and conduct studies and analyses. Spain also provided details regarding its Strategic Plan of Citizenship and Integration 2007-2010. Under the plan, studies on the phenomena of racism, xenophobia and

Islamophobia have been conducted. Educational and sensitization campaigns and a guidebook on training State security forces have also been developed.

Switzerland

44. Switzerland considers that racial discrimination constitutes a grave violation of human rights. In this perspective, the fight against racism cannot be limited to the ratification of international conventions; it also requires constant political efforts of each State. In that light, the participation of Switzerland in the 2001 World Conference did not mark the beginning or the end of a process. For many years the Confederation, the cantons, the municipalities, NGOs and the private sector have been accomplishing an important work of prevention and sensitization for victims of discrimination. However, there is still much to be done to protect potential victims. In this regard, evaluating existing measures, reinforcing those that have proven to be efficient and developing new ones, as necessary and feasible, based on the Durban Declaration and Programme of Action, are important steps.

45. Subsequent to the Durban World Conference, Switzerland created Service for the Fight against Racism (Service de lutte contre le racisme). Linked to the Federal Department of the Interior, it is the interlocutor at the level of the federal administration on all questions related to the fight against racism, anti-Semitism and xenophobia. It provides financial assistance for training projects in education, sensitization and prevention, targeting racism directly.

46. Service for the Fight against Racism is putting into place racism monitoring systems to evaluate xenophobia and discrimination. To this effect, it relies on data collection instruments and methods that public authorities, international organizations and civil society have already put in place and envisages the elaboration of new instruments in collaboration with different partners. In order to have a panoply of instruments that will facilitate the monitoring of racism, discrimination and xenophobia in an exhaustive manner, such a monitoring system has to regroup a number of elements, including data of a structural nature (integration indicator, census of racial cases); public opinion from private or public sources; an evaluation of the effects of measures taken in the anti-racism domain and also in the domain of integration.

47. The Swiss Confederation considers that the Durban Review Conference has to concentrate primarily on the evaluation of the application of the Durban Declaration and Programme of Action before elaborating complementary norms. Regarding the Durban follow-up mechanisms, it is very early to make an evaluation; however, Switzerland is convinced that such an undertaking would lead to constructive and satisfactory results for all stakeholders.

Tunisia

48. Tunisia informed that the fight against all forms of racial discrimination constitutes a fundamental principle of Tunisian law; it is absolute and is subject to no derogation. In its preamble, the Tunisian Constitution of 1 June 1959 calls for absolute prohibition of racial discrimination. Article 6 of the Constitution stipulates that all citizens have the same rights and the same duties; they are equal before the law. The Constitution also provides that political parties must commit to rejecting all forms of violence, fanaticism, racism and discrimination. No political party can use its race affiliation in transmitting its ideologies.

49. The Government reported that Tunisia had ratified international conventions that condemn racial discrimination, with the aim of adding its efforts at a universal level to the fight against racism. In that regard, the Government referred to its ratification of the International Convention on the Elimination of all Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention against Apartheid in Sports.

50. According to Tunisia, education constitutes the most efficient way to implant the virtues of fraternity in society. Education is a fundamental right guaranteed to all Tunisians, without distinction based on sex, social origin, colour or religion. The educational system of Tunisia carries a message of non-discrimination and liberty.

51. Concerning freedom of expression, Tunisia informed that the Media Code provides for sanctions against persons who use the media to spread racial hatred. Penalties are proportional to the impact of xenophobic propaganda carried out by the media. Contrary to the offence of defamation and abuses against individuals, which can be prosecuted only on the basis of complaints of victims, the Media Code allows for automatic prosecution upon the request of the public ministry when defamation or abuse is committed against a group of people belonging to a race with the objective of inciting hatred.

III. Update on activities

52. Below is a summary of various developments that have taken place during the year concerning the implementation of the Durban Declaration and Programme of Action and preparations for the Durban Review Conference.

53. In 2006, the General Assembly, in its resolution 61/149, decided to convene in 2009 a review conference on the implementation of the Durban Declaration and Programme of Action. To that end, it requested the Human Rights Council to prepare the event, formulate a concrete plan and provide yearly updates and reports on the issue starting in 2007. The Human Rights Council is acting as the Preparatory Committee for the Durban Review Conference.

54. The Preparatory Committee for the Durban Review Conference held its organizational session in Geneva from 27 to 31 August 2007, as mandated by the General Assembly in paragraph 33 of its resolution 61/149 and by the Human Rights Council in paragraph 2 of its resolution 3/2.

55. At its 9th meeting, on 31 August 2007, the Preparatory Committee adopted decision PC.1/13, entitled "Objectives of the Durban Review Conference". The Preparatory Committee decided, on the basis of the Durban Declaration and Programme of Action, General Assembly resolution 61/149 and Human Rights Council resolution 3/2, that the objectives of the Durban Review Conference will be as follows:

> "(i) to review progress and assess implementation of the Durban Declaration and Programme of Action by all stakeholders at the national, regional and international levels, including assessing contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, through an inclusive, transparent and collaborative process and identify concrete measures and initiatives for combating and eliminating all manifestations of racism,

racial discrimination, xenophobia and related intolerance in order to foster the implementation of the Durban Declaration and Programme of Action;

(ii) to assess the effectiveness of the existing Durban follow-up mechanisms and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them;

(iii) to promote the universal ratification and implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination;

(iv) to identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance" (A/62. 375, annex I, appendix).

56. The first substantive session of the Preparatory Committee for the Durban Review Conference took place in Geneva from 21 April to 2 May 2008. Its agenda included the submission of the provisional agenda of the Durban Review Conference, reports of preparatory meetings and activities at the international, regional and national levels, the review of reports, studies and other documentation for the Preparatory Committee and the Durban Review Conference, contributions of human rights bodies and mechanisms, and the draft outcome document of the Durban Review Conference. To this end, various contributions have been prepared and submitted to the Preparatory Committee.

A. United Nations human rights mechanisms and treaty bodies

Special Rapporteurs and human rights mechanisms

57. The Preparatory Committee, in its decision PC.1/10, adopted at its first session (see A/62/375), requested the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on freedom of religion or belief, and other human rights mechanisms, including other special procedures, to assist the Preparatory Committee by undertaking review and submitting recommendations as contributions to the outcome of the Review Conference. Following receipt of a questionnaire sent by OHCHR pursuant to that decision, mandate holders and Special Rapporteurs provided contributions.

58. In their contribution (see A/CONF.211/PC/WG.1/5), the mandate holders[1] provided their responses to the six questions listed in the note verbale of 4 March 2008, circulated by OHCHR. In their answers, they focused particularly on the issues and themes relevant to their own mandates. Their responses were based on experience they garnered through the implementation of the core functions related to their mandate.

Committee on the Elimination of Racial Discrimination

59. During its seventy-second and seventy-third sessions, held from 18 February to 7 March 2008 and 28 July to 15 August 2008, respectively, the Committee on the Elimination of Racial Discrimination adopted concluding observations and recommendations on 15 periodic reports of States parties to the International Convention on the Elimination of all Forms of Racial Discrimination, after having held a dialogue with a Government delegation from each of those States. The Committee followed up on the implementation of its relevant recommendations through continuing correspondence with the States parties concerned, and encouraged reporting efforts by States parties whose initial or periodic reports were seriously overdue. The Committee reminded each State party with which it held a dialogue on the implementation of the Convention to continue to take into account the relevant parts of the Durban Declaration and Programme of Action in its implementation efforts, and to include in its next periodic report information on national action plans or other measures taken in this regard.

60. At the seventy-second session, the Committee also considered two individual communications submitted in accordance with article 14 of the Convention and adopted one opinion on the merits and a negative opinion on admissibility. In addition, under its early warning and urgent action procedure, the Committee considered a number of situations relating to patterns of discrimination on grounds of ethnicity, indigenous rights and discrimination against Roma, as well as legislative developments with a potential to undermine rights enshrined in the Convention. During its seventy-third session, the Committee also held a thematic discussion on the subject of special measures, within the meaning of articles 1 (4) and 2 (2) of the Convention, which was attended by representatives of the United Nations Educational, Scientific and Cultural Organization, the International Labour Organization, interested States parties and non-governmental organizations. In the light of the constructive discussion and the long-standing experience of the Committee with the subject of special measures, the Committee decided to embark

[1] The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on freedom of religion or belief; the independent expert on minority issues; the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on the protection and promotion of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right to education; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people; the Working Group on Arbitrary Detention; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on the independence of judges and lawyers; and the independent expert on the question of human rights and extreme poverty.

on the elaboration of a general recommendation on the subject, which will be its thirty-second general recommendation.

61. Moreover, the Committee contributed to the preparatory process of the Durban Review Conference, including through the elaboration and submission, at its seventy-second session, of extensive replies (CERD/C/72/Misc.7/Rev.1) to the questionnaire prepared pursuant to decision PC.1/10 of the Preparatory Committee. In its replies, the Committee also drew attention to two studies that it had previously submitted to the Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action, which related to (a) the implementation of the International Convention on the Elimination of all Forms of Racial Discrimination and its effectiveness (E/CN.4/2004/WG.21/10 and Add.1); and (b) possible measures to strengthen implementation through recommendations or the update of its monitoring procedures (A/HRC/4/WG.3/7). The Committee requested that the two studies, together with the replies to the questionnaire and its general recommendations 28, 29, 30 and 31, adopted after the Durban World Conference, be submitted to the Preparatory Committee and participants of the Durban Review Conference for their consideration. The Committee also designated members to participate in the substantive sessions of the Preparatory Committee meeting and in the regional preparatory meetings for the Durban Review Conference.

Durban mechanisms

62. The Intergovernmental Working Group held the first part of its sixth session from 5 to 9 March 2007. Pursuant to decision PC.1/10, it submitted as contribution a document entitled "Compilation of conclusions and recommendations" containing the recommendations and conclusions adopted by consensus through the five sessions of the Working Group (A/CONF.211/PC.2/7). The compilation does not include the recommendations on complementary standards that fall under the domain of the Ad Hoc Committee on the elaboration of complementary standards.

63. The Ad Hoc Committee held the first part of its first session from 11 to 21 February 2008. Pursuant to decision PC.1/10, the Ad Hoc Committee submitted the conclusions and recommendations on complementary standards, adopted by consensus by the Intergovernmental Working Group at its sessions, compiled in one document.

64. Further to decision PC.1/10, the working group on people of African descent, at its seventh session, held from 14 January to 18 January 2008, reviewed the recommendations it had made at previous sessions in order to distil its contribution, which was submitted to the Preparatory Committee as part of the report on its seventh session (A/HRC/7/36).

B. Activities of the Office of the United Nations High Commissioner for Human Rights

Regional preparatory meetings

65. In its decision PC.1/11 of 31 August 2007, entitled "Preparatory meetings and activities at the international, regional and national levels" adopted by the Preparatory Committee during its organizational session, States and regional

organizations are called upon to hold international, regional and national meetings and/or to undertake other initiatives in preparation for the Durban Review Conference in line with its objectives.

66. The Latin America and Caribbean preparatory conference for the Durban Review Conference was held in Brasilia from 17 to 19 June 2008, on the occasion of the celebration of the Ibero-American Year against All Forms of Discrimination and the sixtieth anniversary of the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man. The conference adopted an outcome document that, inter alia, stresses the importance of broadening the spectrum of measures and policies to eradicate discrimination on the "grounds of race, colour, descent, national or ethnic origin, nationality, age, sex, sexual orientation, identity and expression of gender, language, religion, political opinions or those of any other nature, social origin, social and economic status, level of education, status as a migrant or asylum-seeker or refugee, stateless person, internally displaced person, or person living with an infectious or contagious disease or any other stigmatized physical or mental condition, genetic characteristic, physical or mental disability or any other condition which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of one or more human rights or fundamental freedoms enshrined in applicable international instruments".

67. The regional conference for Africa was held in Abuja, from 24 to 26 August 2008. Following the conference, the African delegates adopted an outcome document, which will constitute the continent's contribution to the Durban Review Conference of 2009. The meeting sought to take stock of how Africa as a whole, including Governments and individuals, has fared in implementing the Durban Declaration and Programme of Action.

68. The Abuja meeting document calls for renewed efforts in combating racism, discrimination and related issues, notably calling, among other things, on States to wage a systematic campaign against incitement to racial and religious hatred. It also emphasizes the urgent need to address the scourges of anti-Semitism, Islamophobia and Christianophobia, as contemporary forms of racism as well as racial and violent movements based on racism and discriminatory ideas directed at African, Arab, Christian, Jewish, Muslim and other communities.

Updating the anti-racism website

69. Following decision PC.2/9 of the first substantive session of the Preparatory Committee, requesting the High Commissioner, in her capacity as Secretary-General of the Durban Review Conference, to prepare and carry out, in close cooperation with the Department of Public Information of the Secretariat, a worldwide information campaign with a view to mobilizing support for the objectives of the Durban Review Conference by all sectors of political, economic, social and cultural life, as well as other interested sectors, the OHCHR Communications Section, in collaboration with the Department of Public Information, prepared and began implementing an information campaign that includes information notes, poster, website, materials and briefings for media.

70. In implementing the decision of the Preparatory Committee, the OHCHR website dedicated to the anti-racism review process and conference was further enhanced with public information materials. The logo developed at the request of

the Preparatory Committee, and made available in four languages for the regional consultations in Brazil and Nigeria, was placed on the front home page of the website to facilitate quick and direct access to the relevant part of the website. The information campaign mentioned in the previous paragraph envisions the further development of the review process and conference website similar to that done for the World Conference against Racism (www.un.org/WCAR) in 2001. This dedicated review process and conference website would contain public information materials and all relevant documents and would be continuously updated up to and beyond the April 2009 conference.

Consultation with field presences in preparation for the Durban Review Conference

71. As part of its strategy to increase collaboration with United Nations country teams in preparation for the Durban Review Conference, OHCHR organized in Geneva a consultation with its field presences on 27 and 28 December 2007. The consultation was attended by OHCHR field representatives from 10 field presences, mainly in Africa and Asia, where sensitization on the Durban Process had been most deficient.

72. The consultation aimed at identifying means to improve dissemination of information and designing strategies by engaging field-based stakeholders and in particular country teams, to improve implementation of the Durban Declaration and Programme of Action, as well as contributing to the preparatory processes of the Durban Review Conference.

73. The two-day consultation ended with the elaboration of a plan of action spelling out concrete actions that could be undertaken in order to promote anti-discrimination initiatives, boost dissemination of information on the Durban process, and engage stakeholders to be involved in the review process. The plan of action also included measures to enhance collaboration with field offices and regional and international organizations such as Organisation Internationale de la Francophonie.

Commemoration of 21 March

74. Every year, the Office organizes a special event to commemorate 21 March as the International Day for the Elimination of Racial Discrimination. The theme of the commemoration for 2008 was "Dignity and Justice — the Cornerstones of Combating Racial Discrimination". The commemoration was organized jointly with the Organisation Internationale de la Francophonie.

75. OHCHR produced a flyer for the observance of 21 March that supports the year-long campaign commemorating the sixtieth anniversary of the Universal Declaration of Human Rights. The outreach material was circulated to OHCHR field offices, United Nations agencies and media; it was also posted on the OHCHR website. The overall objective of the flyer and its dissemination was to increase visibility of the commemoration of 21 March and OHCHR anti-discrimination actions in the field.

IV. Conclusions

76. Since the adoption of the 2001 Durban Declaration and Programme of Action many countries have demonstrated commitment to combating racism, racial discrimination, xenophobia and related intolerance. At the national level, nearly all constitutions guarantee the principle of equality and many countries have carried out reforms of their laws to eliminate those that are discriminatory. At the regional level, harmonization of national laws with European Union human rights principles, including the prohibition of racism and discrimination, have benefited indirectly the implementation of the Durban Declaration and Programme of Action.

77. While this yearly report offers an important platform to examine the implementation and impact of the Durban Declaration and Programme of Action, the Durban Review Conference will offer an opportunity for all stakeholders to assess the successes and shortcomings in their implementation and create strategies to facilitate the adoption of specific preventive and remedial measures. It is expected that such measures will contribute to alleviating social and economic marginalization and to strengthening development and equality through increasingly wider involvement of civil society and concerned constituencies.